



Smalley: Senate will not hear House's '1,2,3' teacher pay plan, but proposal not yet dead

(eCap) The House's "1, 2, 3" teacher pay plan will not be heard in the Senate, according to its Senate author, Sen. Jason Smalley.

"It won't be heard because at this point the Senate position and even my position is that we need to identify a funding source for the full three years of the plan," Smalley explained Thursday morning.

Thursday is the deadline for bills to be heard in the opposite chamber. The bill, [HB1114](#), is not on the Senate agenda.

[HB1114](#), by Rep. Michael Rogers, R-Broken Arrow and Smalley, increases the minimum salary schedule for teachers. It provides a \$1,000 pay raise during the 2017-18 school year, another \$2,000 raise during the 2018-19 school year and a \$3,000 raise during the 2019-20 school year. The bill specifies who is eligible and what counts toward a teacher's years of service.

The decision not to run the bill, Smalley added, does not mean a teachers' pay raise is dead this session.

"This does not mean it's dead," he said. "Something could be introduced in (the Joint Committees on Appropriations and Budget) that ties it to a funding source and it could move forward."

Smalley said he supported the plan, saying it is "a great plan and it should move forward."

"But," he added, "not until a funding source is identified."

House Speaker Charles McCall, R-Atoka, announced Wednesday the House is including a line-item to fund the first year of the plan in its budget proposal.

"We are including in our budget proposal a line item to fund the first year of the teacher pay raise plan, just as we promised we would do," said McCall. "Our members heard from citizens over and over on the doorstep that a teacher pay raise was a priority of theirs, and it has been one of our top priorities for our members this entire session. The House and the Senate Appropriations Committee have both passed a bipartisan and realistic teacher pay plan that is awaiting the governor's signature, and the House intends to fund the raise in our budget and send it to the Senate."

McCall said the first \$52.6 million in savings generated from legislation aimed at reforming numerous tax credits, exemptions and incentives will be directed toward funding the teacher pay raise.

Rogers said the phased-in approach would allow the Legislature to manage the current revenue downturn while keeping its promise to boost pay for teachers. Every \$1,000 increase in teacher pay would cost approximately \$52.6 million, said Rogers.

"We must take care of our teachers first, and we are committed to making Oklahoma teachers the best paid in the region," Rogers said. "Our leadership in the House has said over and over that we are going to fund the teacher pay raise without cutting our common education budget. The House will be doing our part to keep that promise, but if the Senate wants to walk away from their commitment to teachers and constituents, the House will not follow them."

[SB0618](#), the Senate plan to increase teachers' pay approximately 4 percent, was not heard by the House Appropriations and Budget Committee by its deadline last Thursday for consideration of Senate measures.

[SB0618](#), by Sen. Gary Stanislawski, R-Tulsa, and Rep. Leslie Osborn, R-Mustang, modifies the minimum salary schedule for teachers. It increases teachers' salaries 4.0 percent for the 2017-2018 school year and an additional 4.0 percent for the 2018-2019 school year.

[LESS]

Quote of the Day

"Only 38 members felt like this bill was a good idea 48 hours ago."

Rep. David Perryman, D-Chickasha

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Loveless resigns

(eCap) Sen. Kyle Loveless resigned his District 45 seat Thursday.

"I hereby irrevocably resign my office as State Senator for District 45 effective immediately," Loveless, R-Oklahoma City, wrote in a letter to Senate President Pro Tempore Mike Schulz, R-Altus. "I tender this resignation with much regret. Mistakes I have made are the responsibility of no one other than myself."

"Today, I received and accepted the resignation of Senator Kyle Loveless, effective immediately. I wish Senator Loveless and his family best wishes moving forward," Schulz said in a statement.

Loveless' name was removed from the vote board at the front of the chamber prior to the start of Thursday's floor session and information about him was also taken off the Senate website.

According to reports published in February, Loveless did not report thousands of dollars in donations given to his 2012 campaign, when he was elected to the Senate, and his 2016 reelection campaign.

District 45 is the second seat to be vacated this session. Ralph Shortey resigned from the District 44 seat after being charged with three felony criminal complaints in March.

Gov. Mary Fallin will set a special election to fill the vacancy.

[\[LESS\]](#)

Senate sends left lane driving limits measure to governor, approves other measures

(eCap) A bill limiting the use of the left lane on state roadways was approved Thursday by the Senate and will now go to Gov. Mary Fallin for her consideration, while a number of other measures also garnered the chamber's approval.

HB2312, by Rep. Charles McCall, R-Atoka, and Sen. Mark Allen, R-Spiro, passed 27 to 19. The bill adds restrictions for the use of the left-hand lane while driving on roadways laned for traffic. Specifically, the bill permits use of the left lane only for overtaking and passing another vehicle and when certain other conditions require its use to maintain safe traffic conditions.

Allen said the bill clarified the current limitation on use of the left lane and would give law enforcement officers better guidelines with which to work. Some senators, however, disagreed and suggested drivers should have more say in which lane they used.

Sen. Anthony Sykes, R-Moore, proposed an amendment to address that idea. It would allow the "...opinion of the driver..." to be used in deciding to use the left lane. The amendment, however, failed on an 18 to 23 roll call vote.

During debate on the bill, Sen. Micheal Bergstrom, R-Adair, said the right lane of State Highway 69 in his district "is a washboard" but the left lane is smooth.

"If drive on the left-hand side so I don't have to try to hold my teeth in place, I would then have to argue with the state trooper who pulled me over that I made the right choice," he said, adding he believed drivers should continue to have discretion in choosing the lane in which they drive.

Sen. Josh Brecheen, R-Coalgate, said he had experienced the same thing in his district. He said the bill could force some who want to obey the law to cause damage to their vehicles.

Sen. Larry Boggs, R-Wilburton, and Sen. Paul Scott, R-Duncan, expressed support for the measure. Both said drivers who drive too slowly in the left-hand land and impede traffic were endangering others.

"This will give troopers more discretion and make drivers in the State of Oklahoma more aware of the possibility that if you continue to drive in the left-hand land and slow down traffic you will be cited for it," said Boggs.

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Sen. Joseph Silk, R-Broken Bow, said he supported the idea of helping troopers enforce the existing law. The concerns raised by members, however, he said were already addressed. An officer, he explained, could cite someone now and their dashcam video would show whether they were impeding traffic or not.

The new language, he added, would mean someone could get a ticket even if it is safer to drive in the left-hand lane. "Nowhere does it give you an exception for road or whether conditions," Silk said.

Sen. Bryce Marlatt, R-Woodward, joked the bill would not be a problem for him and his constituents "...since we only have two lanes in our part of the country."

Marlatt went on, however, to express some displeasure with members for spending time on the bill. "This time is not the most well spent," he said, "...and I can think of about 878 million reasons we should not move forward with this bill."



The difference between the amount of money appropriated for the current fiscal year and the amount available for appropriation for the next fiscal year is \$878 million.


Sykes read from a 2009 press release announcing the passage of the original bill limiting use of the left-lane. That bill was authored by former Sen. Kenneth Corn, D-Poteau, and Allen's predecessor in the District 4 seat. "It was a bad idea then, when the previous senator from District 4 proposed it, and it's a bad idea now," said Sykes.



Closing debate, Allen stressed the bill was not about personal choice but about public safety. "It will save lives," he said.


The bill now goes to Fallin for her signature or veto.



The following bills also received the Senate's approval Thursday:


· **HB1449** , by Rep. Dustin Roberts, R-Durant, and Sen. Stephanie Bice, R-Oklahoma City, levies a Motor Fuels Tax Fee of \$100 for electric-drive motor vehicles and \$30 for hybrid-drive motor vehicles to be paid to the Oklahoma Tax Commission. It requires eighty percent collected be deposited in the State Treasury to the credit of the State Highway Construction and Maintenance Fund and the remaining 20 percent be distributed to the various counties of the state into the County Bridge and Road Improvement Fund. It requires that the formula for said distribution be similar to that currently in use but to also take account of the terrain and traffic volume as related to county road improvement and maintenance costs. It defines terms used therein. It directs the money from apportionment off the top funding back into the General Revenue for appropriation. The bill passed 31 to 9.


· **HB1533**, with title and enacting clause restored, by Rep. John Montgomery, R-Lawton, and Sen. Greg Treat, R-Oklahoma City, requires the State Bond Advisor and Office of Management and Enterprise Services to produce a written debt affordability study for the Legislature and Governor. It requires the study's recommendations and estimates be advisory and not binding. The bill passed 43 to 0.

· **HB1562** , by Rep. Jon Echols, R-Oklahoma City, and Treat, give the Senate management and control of the east side of the rotunda and the House management and control of the west side of the rotunda, as measured from its center. The bill passed 42 to 0.

· **HB1563**, with title restored, by Echols, and Sen. Nathan Dahm, R-Broken Arrow, modifies the dates and procedures by which Presidential Electors are nominated by a political party. It requires that a recognized political certify its nominees for President of the United States and Vice President of the United States to the Secretary of the State Election no later than 75 days prior to the date of the General Election. It establishes a procedure for Presidential Electors pledged to an independent candidate for President of the United States. It repeals language related to Presidential Electors pledged to nominees for President of the United States of an unrecognized political party. The bill passed 36 to 2.



· **HB1827** , by Rep. John Pfeiffer, R-Mulhall, and Sen. Eddie Fields, R-Wynona, requires the Department of Environmental Quality to develop a program dedicated to the determining the beneficial use of foundry sand from the Oklahoma Department of Transportation. The bill passed 43 to 0.



· **HB1913**, by Rep. Chris Kannady, R-Oklahoma City, and Sen. James Leewright, R-Bristow, creates the Oklahoma Small Loan Act. It prohibits a person from making small loans unless licensed. It requires a nonresident person seeking a license to apply with the Administrator of the Department of Consumer Credit. It creates requirements for individuals applying for licenses and establishes information to be on each form. It establishes a \$200 filing fee, a \$515 license fee and a \$500 supervision fee. It allows for background and criminal history checks. It establishes requirements for posting the license and renewal periods. The bill passed 28 to 16.


· **HB2230**, with title and enacting clause restored, by Rep. Glen Mulready, R-Tulsa, and Sykes exempts commissaries for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff from the requirement to give priority to vending facilities


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operated by licensed blind operators and established by the State Department of Rehabilitation Services. The bill passed 27 to 12.


- **HB2237**  , by Mulready and Treat, changes all references of the State and Education Employees Group Insurance Act to the Oklahoma Employees Insurance and Benefits Act. It modifies the duties of the Office of Management and Enterprise Services. It allows OMES to contract with one or more third-party vendors for purposes of offering alternative medical plans for consideration by participants. It stipulates the requirements of the plan. The bill passed 40 to 0.



- **HB2306**  , by McCall and Sen. Jason Smalley, R-Stroud, adds a \$25 fee for issuing a subpoena for each person and a \$25 fee for motions to enter. The bill passed 37 to 4.



The floor substitute (FS) for **HB1377** , by Rep. Weldon Watson, R-Tulsa and Sen. Adam Pugh, R-Edmond, passed 43 to 0 with its title enacting clause and emergency clause restored. The bill creates the Twenty-first Century Corporation Commission Task Force to study regulation to determine if the Corporation Commission is properly structured to operate in the twenty first century. It establishes membership and requirements for information to be included in the assessment. It requires an organizational meeting to be held no later than December 1, 2017 and allows business to be conducted without a quorum. It prohibits the task force from being subject to the Oklahoma Open Meeting Act. It requires a final report to be developed by December 1, 2018 and requires termination of the task force December 2, 2018.


FS for **HB1459** , with title and emergency clause restored, by Echols and Sen. A J Griffin, R-Guthrie, provides an exemption for students in out-of-home placement with the Department of Human Services who were adopted while in the permanent custody of DHS or who was in out-of-home placement with the Office of Juvenile Affairs for eligibility under the Lindsey Nicole Henry Scholarship. The bill and its emergency clause passed 45 to 0.



HB1465 , passed 38 to 1 as amended and with title and emergency clause restored. The bill by Echols and Sen. Nathan Dahm, R-Broken Arrow, creates a biometric exemption to the Real ID Act.

FS for **HB1485** , by Rep. Weldon Watson, R-Tulsa and Griffin, requires state agencies to issue permits for activities subject to the Clean Water Act, passed 43 to 0 as an emergency measure after its title and emergency clause were restored.



FS for **HB1694**  , by Rep. Scott Martin, R-Norman, and Sen. Gary Stanislawski, R-Tulsa, passed 29 to 10 and its emergency clause passed 33 to 7. The bill modifies provision of information to be included in the personal financial literacy education course taught in public schools. It requires the course to be taught during grades seven through 12 before the 2019-2020 school year and from grade nine to 12 thereafter.

FS for **HB1703**  , with title restored, by Rep. Kevin Calvey, R-Oklahoma City and Treat, passed 41 to 5. The bill creates the Choosing Childbirth Act which requires the State Department of Health to make grants to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the expense of programs providing nonprofit, pro-life organizations. It requires the Department to monitor the organizations to ensure grant money is spent in certain ways. It requires the Act to be implemented when funds become available.

FS for **HB2008** , by McCall and Stanislawski, and its emergency clause passed 38 to 1. The bill creates the Dyslexia and Education Task Force for the purpose of creating a dyslexia handbook that will provide guidance for schools, students and parents in identification, intervention and support of students with dyslexia through accommodations and assistive technology. The bill establishes membership and meeting requirements. It requires the Task Force to study how to effectively identify students with dyslexia and make recommendations for appropriate interventions.

FS for **HB2316**  , by McCall and Sen. Mike Schulz, R-Altus, adds language that grants the Senate advice and consent of gubernatorial appointees. The bill permits the governor to appoint or replace any officers appointed by the governor. It removes the requirement that the removal be for incompetency, neglect of duty, or malfeasance in office and to then fill the same as provided in cases of vacancy. It also grants the House Speaker and the Senate President Pro Tempore the power to appoint, remove or replace any of their respective appointments on any agency, board or commission, in addition to any appointments created by expiring terms or vacancies provided by law. It exempts appointments to any agency, board or commission if the appointment authority is provided for in the Constitution. It provides that appointments to the following boards and commissions may be removed and replaced without cause by their appointment authority: Oklahoma Employment Security Commission; Mental Health and Substance Abuse Services; Long-Range Capital Planning Commission; Oklahoma Health Care Authority Board; and the State Board of Career Technology Education.

The bill passed 40 to 1.

HB1444  , by Rep. Dustin Roberts, R-Durant and Sen. Ron Sharp, R-Shawnee, designates Good Friday and the Friday before Easter as state holidays, failed 19 to 19 when first considered.

Sharp served notice that he might ask the vote to be reconsidered, which he did near the end of Thursday's floor session. The motion to reconsider passed 39 to 0. Sharp asked the bill to be placed on general order and struck the title. He said the bill would be sent to conference to address potential constitutional concerns related to a religious holiday.

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The bill passed 27 to 11 on its reconsideration.

Senate President Pro Tempore Mike Schulz, R-Altus, also announced Thursday that all members except himself and Treat will serve on the Senate General Conference Committee on Appropriations (GCCA).

The Senate will reconvene Monday at 1:30 p.m.

[\[LESS\]](#)

JCAB bills to fill budget hole, not directly fund teacher pay raises, David tells committee

(eCap) The purpose of a series of bills put before the Senate's Joint Committee on Appropriations and Budget is to fill the nearly \$900 million budget hole, Chair Kim David told the panel's members Thursday. Her comments came after Democrats asked as each bill was considered whether any of the revenue was being set aside for the pay increases.

"With a \$900 million hole we have to fill, it would not be responsible to talk about a teachers' pay raise until we will the budget hole," David, R-Porter, said. "What we are attempting to do and our focus is on filling the \$900 million hole."

She added, "It would be irresponsible to do a teacher pay raise at the expense of every other agency."

David later told the committee's members she believed they could find money to pay for a teachers' pay raise if they were able to overcome the deficit between the amount appropriated for fiscal year 2017, the current fiscal year, and the amount available for FY2018, a difference according to the Board of Equalization of \$878 million.

"But based on the votes I have seen today, I don't have any confidence in that."

The committee gave do pass recommendations to 12 of the 13 measures considered, some by very narrow margins. With 39 of the Senate's current 46 members voting during Thursday's meeting, the committee substitute (CS) for HB2357 passed 21 to 18 and the CS for HB2360 was approved 20 to 19, for example. Twenty-five votes will be needed to approve the measures on the floor.

The thirteenth bill - [HB2383](#) - failed and eight other measures were laid over.

CS for [HB2383](#), by Rep. Leslie Osborn, R-Mustang, Rep. Kevin Wallace, R-Wellston, David and Rep. Eddie Fields, R-Wynona, authorizes the Grand River Dam Authority to provide retail electric power or electric service to electric consuming facilities, and grants it the exclusive right to provide retail electric power or service to any entity located within the boundary of the Oklahoma Ordnance Works Authority/Mid-America Industrial Park. The bill also authorizes GRDA to enter into agreements for wind or battery storage power. The bill exempts GRDA from the Public Buildings and Public Works, from the Information Technology Consolidation and Coordination Act, from statutes and rules relating to hiring procedures and compensation for state employees, from the State Travel Reimbursement Act, and from the Surplus Property Act. It removes language relating to terms of office for GRDA Board of Directors and removes language related to certain contracting authority. It also removes language related to the compensation of classified and unclassified employees. The measure deletes language defining and limiting how GRDA funds may be deposited or disbursed. The bill requires payment in lieu of taxes of an amount not to exceed 1% of its operating revenues, payable monthly in equal installments of 1/12 of the total annual amount, based upon the previous year's financial statements. It requires any pledge of revenues, monies, securities or contract rights made by the district to be valid and binding from the date the pledge is made. It requires the revenues, monies, securities and contract rights so pledged and then held or thereafter received by the direct or any fiduciary to be immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the district without regard to Oklahoma Statute, the bond resolution, trust indenture, security agreement or other instrument by which a pledge is created need not be filed or recorded in any manner. The bill also repeals language related to certain authority contracts not public construction contracts.

There was no debate on the bill before its do pass motion failed 13 to 24.

The following bills received do pass recommendations:

- CS for [SB0836](#), by David and Osborn, changes the amount of motor fuel tax to be deposited into the Corporation Commission Revolving Fund from the first \$1 million to the first \$2.4 million collected during each fiscal year.
- CS for [SB0837](#), by David and Osborn, establishes new apportionment of monies to the Rebuilding Oklahoma Access and Driver Safety Fund. The bill also apportions motor fuel tax revenue to the Rebuilding Oklahoma Access and Driver Safety Fund for certain fiscal years that is contingent upon the enactment of a provision in the Oklahoma Motor Fuel Tax Code.
- CS for [HB2348](#), by Osborn and David, modifies language related to standard deductions in the Oklahoma Income Tax Code. It provides that for taxable years beginning on or after January 1, 2017, in the case of individuals who use the standard deduction in determining taxable

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income, there will be added or deducted, as the case may be, the difference necessary to allow a standard deduction in lieu of the standard deduction allowed by the Internal Revenue Code of 1986, as amended, as follows: \$6,350 for single or married filing separately; \$12,700 for married filing jointly or a qualifying widower with dependent child and; \$9,350 for head of household. The bill provides filing requirements for certain resident and nonresident individual income tax returns.

· CS for [HB2352](#), by Osborn and David, sunsets the qualified rehabilitation expenditures tax credit on January 1, 2021 and caps the total credits that can be claimed at \$7 million in fiscal year 2019 and each fiscal year thereafter. It directs the Oklahoma Tax Commission to have specific authority to adopt administrative rules in order to implement these provisions.

· CS for [HB2357](#), by Osborn and David, increases the reinstatement fee amount after a suspension of corporate instruments due to a corporation's failure to pay its franchise tax from \$15 to \$150.

· CS for [HB2358](#), by Osborn and David, eliminates the eligible purchaser motor fuels discount for distributors after July 1, 2022.

· CS for [HB2359](#), by Osborn and David, increases various fees related to coin-operated devices.

· CS for [HB2360](#), by Osborn and David, includes low-point beer in the mixed beverage gross receipts tax. The bill also repeals language related to the tax on gross receipts of certain licensee holders.

· CS for [HB2361](#), by Osborn and David, creates an admission fee on professional sporting events. It establishes a fee of \$1 for tickets priced at less than \$50 and a fee of \$2 for tickets priced greater than \$50. It directs the proceeds from the fee be deposited into the General Revenue Fund. The bill directs the Oklahoma Tax Commission to promulgate rules.

· CS for [HB2363](#), by Osborn and David, eliminates the vehicle excise tax exemption for sales to persons renting vehicles without a driver.

· CS for [HB2370](#), by Osborn and David, requires that little cigars be taxed in the same rate and manner as cigarettes. The bill also provides for an additional tax levy on cigars. It directs the revenues be deposited into the General Revenue Fund. The bill also repeals language related additional tax on tobacco products.

· CS for [HB2392](#), by Osborn and David, adds an additional \$100 penalty for late pesticide applicator license renewals in the Combined Pesticide Law. The measure also removes the fee exemption for governmental agencies and increases the annual registration fee from \$160 to \$210. The bill increases the maximum amount designated for the State Department of Agriculture Unwanted Pesticide Disposal Fund from \$100,000 to \$300,000.

The CS to [HB2393](#), by Osborn and David, was laid over. It requires the collection of a \$5 fee for all international Internet and telephone transfers conducted through a debit card, credit card or ACH transfer.

Sen. Anthony Sykes, R-Moore, noted existing statutory language reflected in the bill referred to a tax credit that no longer existed. He asked David whether it was the intent of the House to reinstate the credit. David said she was not sure.

Sen. Kay Floyd, D-Oklahoma City, and Sen. Dan Newberry, also discussed an exemption for transfers originating from banks and credit unions. Floyd wondered whether those institutions, too, could be covered by bill's language.

Sykes suggested the bill be laid over and David agreed to do so.

The following bills were laid over:

· [SB0838](#), by David and Osborn, requires that any changes made to the formula factors used by the Department of Transportation in calculating apportionment for county road improvement and maintenance costs be submitted to the Governor, President Pro Tempore of the Senate and the Speaker of the House of Representatives.

· [HB2362](#), by Osborn and David, creates the State Revenue and Taxation Reform Act of 2017.

· [HB2365](#), by Osborn and David, creates the State Revenue and Taxation Reform Act of 2017.

· [HB2362](#), by Osborn and David, creates the State Revenue and Taxation Reform Act of 2017.

· [HB2367](#), by Osborn and David, creates the State Revenue and Taxation Reform Act of 2017.

· [HB2368](#), by Osborn and David, creates the State Revenue and Taxation Reform Act of 2017.

· [HB2369](#), by Osborn and David, creates the State Revenue and Taxation Reform Act of 2017.

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Thursday's meeting was attended by four staffers from Gov. Mary Fallin's office, including Chris Bengel, her chief of staff.

[LESS]

House JCAB passes 13 bills, lays over 10

(eCap) The House Joint Committee on Appropriations and Budget advanced measures adding a fee to each professional sporting event ticket and an increase to vending machine taxes, among 11 other measures passed. A total of 10 bills were laid over, including an increase gas and cigarette taxes.

Of the 13 bills passed, only one garnered debate.

CS to **HB2359**, by Rep. Leslie Osborn, R-Mustang and Sen. Kimberly David, R-Porter, increases various fees related to coin-operated devices.

Rep. Kevin Wallace, R-Wellston, said the bill would have a potential \$1.7 million impact. Rep. Jason Murphey, R-Guthrie, disagreed with Wallace's fiscal estimate.

Murphey noted a similar measure in 2010 that increased the vending machine fees 300 percent in order to balance the budget. That bill, though, did exactly the opposite, said Murphey.

After that increase, there was a significant decrease in the industry, in which people lost jobs and small businesses closed, said Murphey, and ultimately brought in no additional money to the state.

"What was estimated to be a multimillion dollar increase and around which the budget was based actually turned into a deficit. A substantial one, year-over-year simply because it had such a great impact on that particular industry," he said.

And the industry did not rebound. Currently, the industry generates less now than it did in 2009 with the lower fee, said Murphey.

Wallace noted, and continued to do so during Murphey's line of questioning, that the original fee increase was 300 percent. Wallace also state that he worked with the industry and came up with the agreed upon \$25, or 33 percent, increase.

"Isn't it very much a bad budget process to write a budget around an income source...that will not materialize and will be an automatic hole in the budget? Are we really that desperate that we have to repeat the mistakes of the past?" asked Murphey.

Murphey brought up similar points in his debate against the measure, saying that while proving the effects of budget bills passed out of committee is not always possible, there is historical proof that this measure has not worked and will not work again.

In his debate for the measure, Wallace said that while jobs were lost, it allowed those still in existence to have a higher profit margin, which would make fee increase sustainable.

The bill narrowly passed by a 12 to 11 vote.

Another bill generating discussion would tag on a fee to any ticket purchased for a professional sporting event, including Oklahoma City Thunder tickets and all minor league sports teams in the state.

CS to **HB2361**, by Osborn and David, creates an admission fee on professional sporting events. It establishes a fee of \$1 for tickets priced at less than \$50 and a fee of \$2 for tickets priced greater than \$50. It directs the proceeds from the fee be deposited into the General Revenue Fund. The bill directs the Oklahoma Tax Commission to promulgate rules.

A similar measure passed out of JCAB and passed off the House floor last week but stalled in the Senate.

That bill, **HB2350**, by Osborn and David, eliminated sales tax exemptions for tickets to certain types of professional athletic and sporting events.

Some members disagreed with moving from, what they felt, was a fair percentage-based system to a fee placed on each ticket. Rep. Jason Dunnington, D-Oklahoma City, noted that in the original bill an individual purchasing floor seats to a Thunder game would have paid \$125. In the new bill, it's reduced to a \$2 fee.

Both Osborn and Oklahoma Tax Commission Director Tony Mastin said the new measure will still generate the same amount of funds as the percentage based language.

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While Dunnington did not disagree that the bill would generate the same funds, he questioned the way in which those funds would be generated.

The bill ultimately received a do pass recommendation from the committee.

The following bills received do pass motions:

- CS to [HB2348](#), by Rep. Leslie Osborn, R-Mustang, and Sen. Kimberly David, R-Porter, modifies language related to standard deductions in the Oklahoma Income Tax Code. It provides that for taxable years beginning on or after January 1, 2017, in the case of individuals who use the standard deduction in determining taxable income, there will be added or deducted, as the case may be, the difference necessary to allow a standard deduction in lieu of the standard deduction allowed by the Internal Revenue Code of 1986, as amended, as follows: \$6,350 for single or married filing separately; \$12,700 for married filing jointly or a qualifying widower with dependent child and; \$9,350 for head of household. The bill provides filing requirements for certain resident and nonresident individual income tax returns.

- CS to [HB2352](#), by Osborn and David, sunsets the qualified rehabilitation expenditures tax credit on January 1, 2021 and caps the total credits that can be claimed at \$7 million in fiscal year 2019 and each fiscal year thereafter. It directs the Oklahoma Tax Commission to have specific authority to adopt administrative rules in order to implement these provisions.

- CS to [HB2357](#), by Wallace, Osborn, Sen. Eddie Fields, R-Wynona, and David, increases the reinstatement fee amount after a suspension of corporate instruments due to a corporation's failure to pay its franchise tax from \$15 to \$150.

- CS to [HB2358](#), by Osborn and David, eliminates the eligible purchaser motor fuels discount for distributors after July 1, 2022.

- CS to [HB2360](#), by Osborn and David, includes low-point beer in the mixed beverage gross receipts tax. The bill also repeals language related to the tax on gross receipts of certain licensee holders.

- CS to [HB2363](#), by Osborn and David, eliminates the vehicle excise tax exemption for sales to persons renting vehicles without a driver.

- CS to [HB2370](#), by Osborn and David, requires that little cigars be taxed in the same rate and manner as cigarettes. The bill also provides for an additional tax levy on cigars. It directs the revenues be deposited into the General Revenue Fund. The bill also repeals language related additional tax on tobacco products.

- CS to [HB2392](#), by Osborn and David, adds an additional \$100 penalty for late pesticide applicator license renewals in the Combined Pesticide Law. The measure also removes the fee exemption for governmental agencies and increases the annual registration fee from \$160 to \$210. The bill increases the maximum amount designated for the State Department of Agriculture Unwanted Pesticide Disposal Fund from \$100,000 to \$300,000.









- CS to [HB2383](#), by Osborn and David, authorizes the Grand River Dam Authority to provide retail electric power or electric service to electric consuming facilities, and grants it the exclusive right to provide retail electric power or service to any entity located within the boundary of the Oklahoma Ordnance Works Authority/Mid-America Industrial Park. The bill also authorizes GRDA to enter into agreements for wind or battery storage power. The bill exempts GRDA from the Public Buildings and Public Works, from the Information Technology Consolidation and Coordination Act, from statutes and rules relating to hiring procedures and compensation for state employees, from the State Travel Reimbursement Act, and from the Surplus Property Act. It removes language relating to terms of office for GRDA Board of Directors and removes language related to certain contracting authority. It also removes language related to the compensation of classified and unclassified employees. The measure deletes language defining and limiting how GRDA funds may be deposited or disbursed. The bill requires payment in lieu of taxes of an amount not to exceed 1% of its operating revenues, payable monthly in equal installments of 1/12 of the total annual amount, based upon the previous year's financial statements. It requires any pledge of revenues, monies, securities or contract rights made by the district to be valid and binding from the date the pledge is made. It requires the revenues, monies, securities and contract rights so pledged and then held or thereafter received by the direct or any fiduciary to be immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of the pledge be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the district without regard to Oklahoma Statute, the bond resolution, trust indenture, security agreement or other instrument by which a pledge is created need not be filed or recorded in any manner. The bill also repeals language related to certain authority contracts not public construction contracts.

- CS to [HB2393](#), by Osborn and David, requires the collection of a \$5 fee for all international Internet and telephone transfers conducted through a debit card, credit card or ACH transfer.

- CS to [SB0837](#), by David and Osborn, R-Mustang, establishes new apportionment of monies to the Rebuilding Oklahoma Access and Driver Safety Fund. The bill also apportions motor fuel tax revenue to the Rebuilding Oklahoma Access and Driver Safety Fund for certain fiscal years that is contingent upon the enactment of a provision in the Oklahoma Motor Fuel Tax Code.

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The following bills were laid over:


- [HB2354](#) , by Osborn and David, creates the Oklahoma Revenue and Taxation Codes Amendments Act of 2017.
- [HB2356](#) , by Wallace, Osborn, Fields, and David, creates the Oklahoma Revenue and Taxation Codes Amendments Act of 2017.
- [HB2364](#) , by Osborn and David, creates the Oklahoma Revenue and Taxation Reform Act of 2017.
- [HB2365](#) , by Osborn and David, creates the Oklahoma Revenue and Taxation Reform Act of 2017.
- [HB2366](#) , by Osborn and David, creates the Oklahoma Revenue and Taxation Reform Act of 2017.
- [HB2368](#) , by Osborn and David, creates the Revenue and Taxation Reform Act of 2017.
- [HB2369](#) , by Osborn and David, creates the Revenue and Taxation Reform Act of 2017.
- [HB2391](#) , by Osborn and David, creates the Notarial Services Amendments Act of 2017.
- [SB0836](#) , by David and Osborn, modifies the date by which the Administrator of the Corporation Commission must notify the Tax Commission that the Petroleum Storage Tank Indemnity Fund has fallen below the required maintenance level from December 31, 2022 to December 31, 2024.
- [SB0838](#) , by David and Osborn, requires that any changes made to the formula factors used by the Department of Transportation in calculating apportionment for county road improvement and maintenance costs be submitted to the Governor, President Pro Tempore of the Senate and the Speaker of the House of Representatives.

[Editor's Note: See related story, JCAB bills to fill budget hole, not directly fund teacher pay raises, David tells committee]

[\[LESS\]](#)

House Dems question ethics of bill adding State Treasurer to retirement boards

(eCap) House Democrats called into question Thursday morning the ethics of legislation adding Treasurer Ken Miller to the board of trustees for both the Public Employees Retirement System and the Teachers Retirement System.

[SB0242](#) , by Sen. Adam Pugh, R-Edmond, and Rep. Ryan Martinez, R-Edmond, as amended, adds the State Treasurer or a designee of the State Treasurer to the Oklahoma Public Employees Retirement System (OPERS) and the Oklahoma Teachers Retirement System Board of Trustees (OTRS). The amendment requires all appointees, including those not political nominated, to serve at the pleasure of the appointing authority and may be removed and replaced without cause.

The purpose of the bill, Martinez explained, was to safeguard the considerable taxpayer funds going into the two systems which represent, when combined, Oklahoma's largest investment pool.

"We have elected somebody - the State Treasurer - to be our CFO, to invest public monies and things like that," Martinez said. "It would only be fitting that the person we elect to invest our money would be on these boards."

A number of members asked Martinez how he intended to "fix" a system that, as it stands, seems to currently operate just fine without the proposed changes.

"It doesn't hurt to continually improve the system," Martinez responded. "This is a simple accountability issue."

He said if one were to look at the board make-up of both systems, they both lacked an individual with the sole purpose of representing taxpayers.

Rep. Scott Inman, D-Del City, noted Miller currently sits on the board of the Pension Oversight Commission, a body that oversees all seven of the state's retirement systems.

"Because he sits as member of the Pension Commission, his job is to oversee all seven boards and if any of them violate their fiduciary responsibility then he as a member of the Pension Commission can come and take action on it," Inman explained. "What you're creating now is an absolute conflict of interest by putting him on two of those boards."

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Martinez questioned the existence of such a requirement in statute, noting the director of the Office of Management and Enterprise Services (OMES) also serves on all three boards. Inman corrected Martinez, clarifying that an appointee of OMES Director Preston Doerflinger sits on the boards for both the Oklahoma Public Employees Retirement System and the Oklahoma Teachers Retirement System Board of Trustees.

Inman also cited Securities and Exchange Commission (SEC) language requiring any financial investment firm that contributes to the election of a state treasurer who also serves on such boards is prohibited from doing business with boards like OPERS and OTRS for two years.

Inman argued that by placing a politician on the boards of both OPERS and OTRS, Martinez was potentially prohibiting some the state's best investors from contributing to the two systems due to their contributions to Miller's campaign.

"I don't think it's a real issue," Martinez responded. "We'll address it if it is."

Rep. David Perryman, D-Chickasha, asked if Martinez if he was at all concerned the legislation would allow for potential corruption by effectively combining the two boards via a shared member who also serves on the Pension Commission.

"This doesn't make the Treasurer a king," Martinez noted, clarifying Miller would be one voice out of 14 members. He added if there was conflict, the amendment ensures the Legislature's to remove the treasurer as well as his or her designee.

Inman pointed out boards typically carry odd numbers to which Martinez noted the committee in which the bill passed out of held an even number of members.

"It's just not really an issue," he responded.

On Martinez's response, Inman countered, "That was stunning to me." He added bill's tie in committee constantly, correcting Martinez's earlier incorrect statement that the House consists of 98 members.

"There are 101 constitutionally," Inman said. "Just because somebody got in trouble for sexually harassing somebody and had to leave doesn't mean that the Constitution doesn't still provide us with 101 members."

Inman then asked why it would be a good idea to have an even number of members on the two boards.

"It's a great idea," Martinez replied simply.

In debate, Perryman echoed the concerns many in his caucus shared during questioning. "What is going to change? What is going to improve," he asked.

Perryman said the push to consolidate the two funds was "transparent" and not in the best interest of stakeholders.

"Anyone who doesn't believe there is a conflict of interest has their head in the sand," Perryman said.

He argued that if the treasurer were to appoint a designee, the designee would simply act in the interest of the treasurer. He surmised the only one to clearly benefit from the bill's enacting would be the Office of the State Treasurer.

"(It) is totally ludicrous to push this forward and say it's in the best interest of the State of Oklahoma," Perryman said.

Inman, also debating against SB0242, shared Miller's past attempts to receive a seat on both boards, which failed largely due to both teachers and public employees opposing it.

"This is exceedingly controversial for a variety of reasons," Inman said, arguing it only served to politicize both boards.

Closing debate, Martinez said the bill simply sought to protect the current power of the boards and would not negatively impact teachers or public employees despite claims to the contrary.

"This idea that this is all about how the treasurer benefiting or anybody doing that is offensive to me," Martinez said, reiterating the bill would only add a new layer of accountability.

"I think that elected officials most times...do what they think is right for the constituency," he said. "The power within this building to protect the status quo just for the sake of protecting the status quo is mind-boggling."

SB0242 passed on a vote of 51 to 34. Martinez moved for reconsideration on the vote on which the bill passed.

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The mood grew dourer after Inman contended Presiding Officer Harold Wright, R-Weatherford, verbally closed the vote but the clerk did not lock the machine immediately afterward which allowed more to vote within a brief window. Inman noted the vote was originally 49 ayes and 34 nays when Wright verbally closed the vote, resulting in what would have been a failing vote, but reached 51 when the machine closed.

Wright said it was a common occurrence in the House to vote "until the last minute." Inman then challenged the ruling of the chair, citing House Rules.

The decision of the chair was upheld on a vote of 61 to 25. A similar incident would occur later during Thursday's session, serving as a repeated point of contention on the floor.

The following bills also passed the House during Thursday morning's floor session:

· **SB0048**, by Sen. Nathan Dahm, R-Broken Arrow, and Rep. Sean Roberts, R-Hominy, updates language and statutory references related to the Commission on County Government Personnel Education and Training. It also removes references to microfilming and requires reproduction and storage of records be done using any generally accepted current technology which will ensure safe documentation and accessibility of public records. It also requires reports of audits of county records to be posted on the county website and the State Auditor and Inspector's website in addition to the notice published in the newspaper. The bill passed on a vote of 86 to 0. Its emergency passed on a vote of 72 to 2.

· **SB0102**, by Sen. Dan Newberry, R-Tulsa, and Rep. Randy McDaniel, R-Edmond, as amended, permits the court jurisdiction and venue of alleged violations of the Oklahoma Rental-Purchase Act to be the county of the aggrieved, in addition to the Oklahoma County District Court. It also limits the term of automatically renewed contracts to six months. The amendment updates statutory language. The bill, as amended, passed on a vote of 90 to 3.

· **SB0477**, by Sen. Joe Newhouse, R-Broken Arrow, and Rep. Charles Ortega, R-Altus, as amended and with title stricken, modifies the intent of the Aircraft Pilot and Passenger Protection Act to know regulate obstructions to air navigation that have the potential of endangering the lives and property of military aircraft pilots and passengers in military training routes, drop areas and traffic patterns as well as reduce the size of areas available for the training of military pilots. It adds and modifies definitions to terms used therein. It requires a person to obtain a permit from the Aeronautics Commission prior to the construction or installation of certain structures near a military training route, drop area or traffic pattern. It modifies exemptions. It requires any structure or alteration to such a structure to be presumed to be an air navigation hazard if its total height is greater than 200 feet above ground level underneath a training route, 50 feet above ground level within a military drop area or 150 feet above the established airport elevation underneath a military traffic pattern. It modifies what must be included in applications to the Commission for a permit as well as how the Commission determines applications. It adds circumstances in which a permittee may request to amend a permit once said permit is valid. The bill, as amended, passed on a vote of 88 to 3.

· **SB0769**, by Sen. James Leewright, R-Bristow, and Rep. John Montgomery, R-Lawton, as amended, creates the Oklahoma Limited Liability Company Act. It establishes new requirements for a person acting on behalf of an incorporator. It authorizes provided actions to determine the validity of provided corporate instruments. It allows corporations to determine where internal claims may be brought. It modifies what exactly any shareholder, member or director may bring an action to interpret, apply or enforce or determine the validity of. It allows the certificate of incorporation or the bylaws to require, consistent with applicable jurisdictional requirements, that any or all internal corporate claims shall be brought solely and exclusively in any or all of the courts in the state, and no provision of the certificate of incorporation or the bylaws may prohibit bringing such claims in the courts of this state. It requires the address of a registered office to include the street, number, city, state and postal code. It modifies what a registered agent of every domestic corporation in the state must be. It provides the responsibilities of each registered agent for a domestic or foreign corporation. It requires every corporation formed under the laws of this state or qualified to do business in this state to provide to its registered agent, and update from time to time as necessary, the name, business address and business telephone number of a natural person who is an officer, director, employee or designated agent of the corporation, who is then authorized to receive communications from the registered agent. The bill requires such person to be deemed the communications contact for the corporation. It requires every registered agent to retain, in paper or electronic form, the information required by this subsection concerning the current communications contact for each corporation for which he, she or it serves as a registered agent. It provides for resignation. It amends the indemnification of officers, directors, employees and agents. It prohibits a right to indemnification or to advancement of expenses arising under a provision of the certificate of incorporation or a bylaw from being eliminated or impaired by an amendment to the certificate of incorporation or the bylaw after the occurrence of the act or omission that is the subject of the civil, criminal, administrative or investigative action, suit or proceeding for which indemnification or advancement of expenses is sought, unless the provision in effect at the time of such act or omission explicitly authorizes such elimination or impairment after such action or omission has occurred. The bill allows the board of directors to determine the amount of such consideration by approving a formula by which the amount of consideration is determined. It amends provisions related to stock certificates and uncertified shares. It provides procedures for the ratification of defective corporate acts and stock. It defines terms used therein. It provides for proceedings regarding the validity of defective corporate acts and stock. It allows a district court to issue orders as may be appropriate, including, without limitation, orders designating the time and place of the meeting, the record date or dates for determination of shareholders entitled to notice of the meeting and to vote, and the form of notice of the meeting. It requires that if the board of directors so fixes a date, such date also be the record date for determining the shareholders entitled to vote at such meeting unless the board of directors determines, at the time it fixes such record date, that a later date on or before the date of the meeting be the date for making such determination. It modifies the procedures for voting trusts and other voting agreements. It modifies the list of shareholders entitled to vote and establishes a penalty for refusal to produce a stock ledger. It prescribes new procedures by which to access proxy solicitation materials

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and for proxy expense reimbursement. It amends the process for the notice of meetings and adjourned. It requires that if after the adjournment a new record date for shareholders entitled to vote is fixed for the adjourned meeting, the board of directors fix a new record date for notice of such adjourned meeting and give notice of the adjourned meeting to each shareholder of record entitled to vote at such adjourned meeting as of the record date fixed for notice of such adjourned meeting. It amends the procedures for vacancies and newly created directorships. It amends the procedures in the cases of contested election among directors and the proceedings by which to determine validity. It establishes procedures to handle situations in which a director or directors have been convicted of a felony in connection to their duties as director. It modifies procedures for providing the consent of shareholders in lieu of actually meeting in-person. It accounts for nonstock corporations in regards to the amendment of a certificate of incorporation after receipt of payment for stock. It modifies the procedures for restated certificates of incorporation. It modifies procedures in which there is a merger or consolidation of domestic corporations. It prohibits any vote of shareholders of a constituent corporation that has a class or series of stock that is listed on a national securities exchange or held of record by more than two thousand holders immediately prior to the execution of the agreement of merger by such constituent corporation shall be necessary to authorize a merger under provided criteria. It modifies procedures in the case of merger or consolidations of domestic and foreign corporations and the service of process upon the surviving or resulting corporation. It establishes procedures of the merger of a parent entity and subsidiary corporation or corporations. It amends processes regarding business combinations with interested shareholders. It modifies provisions related to appraisal rights. It allows a person who is the beneficial owner of shares of such stock held either in a voting trust or by a nominee on behalf of such person, in such person's own name, to file a petition or request from the corporation the statement described in this section. It provides for court proceedings and penalties for those found in violation. It amends the procedures for dissolution before the issuance of shares or beginning of a business. It modifies the process of continuation of a corporation after dissolution for the purposes of suit and winding up affairs. It expands the procedures of a revocation of voluntary dissolution and the restoration of an expired certificate of incorporation. It modifies the procedures for the revival of a certificate of incorporation. It updates the procedures by which to renew, extend and continue a corporation's corporate status. It modifies the definition of a foreign corporation as well as the qualifications for one to conduct business in the state. It modifies the process by which a change of a registered agent upon whom process may be served. It amends the process of withdrawal of a foreign corporation from the state as well as the service process on the Secretary of State. It requires that in the event of service upon the Secretary of State, the Secretary of State must immediately notify the corporation by letter, certified mail or return receipt requested at the address stated in the certificate which was filed by the corporation with the Secretary of State. It provides procedures for said process. It modifies the procedures for a service of process on nonqualifying foreign corporations. It provides definitions to terms used therein. It provides procedures for the filing of articles of organization. It modifies the procedures for the operating agreement of a limited liability company. The bill modifies the voting rights of members. It amends the assignability of membership interest as well as membership interest as personal property. It amends the process by which an assignee of interest may become a member as well as their rights, powers, restrictions and liabilities. It modifies what constitute events causing cessation of membership, withdrawal, death or incapacity. It provides for the distribution of assets upon winding up of a limited liability company. It modifies by what constitutes an agreement of a merger of consolidation. It modifies the conversion process of a limited liability company to an entity and vice versa. It establishes a series of members, managers or membership interests having separate rights and establishes the personal obligation. The bill modifies the annual certification process for domestic limited liability companies and foreign limited liability companies. It provides new procedures by which to reinstate a limited liability company. It requires an annual certificate be sent to the Secretary of State to now include an electronic mail address. The amendment corrects language to reflect the Delaware legislation it mirrors. The bill, as amended, passes 89 to 1.

· **SB0787**, by Sen. Anthony Sykes, R-Moore, and Rep. Dustin Roberts, R-Durant, as amended, changes definitions related to sedation. It allows the Executive Director of the Board of Dentistry to sign contracts on behalf of the board. It deletes the retirement age requirement for dentists. It allows a dental student intern with a valid dental student permit to work under the direct supervision of a licensed dentist for compensation given provided criteria is met. It requires a limited faculty permit be valid for one year and be renewed by the Board at the written request of the dean of an accredited dental program or the director of an accredited dental hygiene program. The bill allows courses for Advanced Procedures for Dental Assistants to be taught in an online, interactive online, in-classroom, lab or blended format. It requires all expanded duty courses to include a dentist or dental hygienist that is employed full- or part-time by an educational program approved by the Commission on Dental Accreditation and currently on file with the Board. It adds that courses offered in this manner are to meet all criteria in administrative rules approved by the Board. The bill requires that resident and fellowship permits be valid from July 1st through June 30th of each year and Dental Student Intern permits to be valid from August 1st through July 31st of each year beginning July 1, 2017. The amendment modifies definitions used therein and lowers the fee established therein from \$100 to \$50. It deletes requirements for passage of a regional exam. The bill and its emergency, as amended, passed on a vote of 90 to 0.

· **SB0828**, by Sen. A J Griffin, R-Guthrie, and Rep. Chad Caldwell, R-Enid, as amended, creates the Nursing Facility Supplemental Payment Program Revolving Fund for the Oklahoma Health Care Authority in the State Treasury. It specifies contents of the fund and authorized expenditures. It requires the Health Care Authority to promulgate administrative rules. It repeals language related to wage and salary adjustments. The amendment clarifies what the fund may be used for. The bill, as amended, and its emergency passed on a vote of 86 to 0.

One bill, **SB0284**, was laid over at the request of Rep. Weldon Watson, R-Tulsa, who carried the bill.

SB0284, by Sen. Mike Schulz, R-Altus, and Rep. Charles McCall, R-Atoka, creates the Oklahoma Energy Jobs Act of 2017. It modifies certain definitions and defines new terms. It removes the limitation on the use of long lateral, also known as extended lateral, lines shale formations and permits their use in any targeted geologic formation.

[LESS]

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Alcohol tax measure fails House second time; other bills approved

(eCap) A bill modifying the apportionment of revenue collected from alcoholic beverage taxes once again failed Thursday afternoon to win approval of the House after Rep. Glen Mulready moved to reconsider the vote by which it failed two days prior.

SB0058 , by Sen. Stephanie Bice, R-Oklahoma City, and Rep. Glen Mulready, R-Tulsa, modifies the apportionment of alcoholic beverage taxes. It provides that revenue in excess of \$13.0 million will be apportioned to the General Revenue Fund.

The bill failed Tuesday by a vote 38 to 48 and was not changed when brought back to the floor Thursday afternoon.

"Only 38 members felt like this bill was a good idea 48 hours ago," said Rep. David Perryman, D-Chickasha, in debate against the measure. "This bill hasn't changed; this bill is still devastating."

Currently, funds are divvyed up into three portions: 3 percent to the Tax Commission for administrative purposes, two-thirds to the General Revenue Fund and one-third to counties. The bill seeks to remove that 3 percent allocation to the Tax Commission and keep the rest of the apportionment, though it caps the amount given to counties at \$13 million.

"Let's look for other ways that doesn't hurt cities and towns to take care of the budget problems of the state of Oklahoma," said Perryman.

Also in debate against the measure Rep. Shane Stone, D-Oklahoma City, said the bill admits the state's fiscal mismanagement and it lessens funding to county and local governments.


"Voters in November passed alcohol modernizations laws...and those voters believe in county government. They thought that the increased revenue would benefit they're county government."


In closing debate, Mulready said information that the bill would devastate local governments is complete misinformation. He noted that it would increase funding by 10 percent than what was received last year.


"The bottom line is there is no impact on county government whatsoever," he said.


The bill failed by a vote of 49 to 39. Mulready attempted to capture the vote, though because it was already reconsidered House rules to not allow him to do so again.


The following bills passed during the House's afternoon floor session:

· **SB0006** , with title and enacting clause stricken, by Sen. Josh Brecheen, R-Coalgate, and Rep. Jeff Coody, R-Grandfield, permits the following officials to carry a firearm anywhere in the State of Oklahoma in the performance of their official duties if the person has successfully completed a handgun qualification course pursuant to the provisions of the Oklahoma Self Defense Act: the Governor; Lieutenant Governor; State Auditor and Inspector; Secretary of State; Attorney General; State Treasurer; Superintendent of Public Instruction; Commissioner of Labor; Corporation Commissioners; and U.S. House and U.S. Senate members from Oklahoma. The bill passed 73 to 11.























· **SB0028** , as amended, by Sen. Roger Thompson, R-Okemah, and Rep. Avery Frix, R-Muskogee, modifies language related to the Oklahoma Law Enforcement Telecommunications System. It requires the Commissioner of Public Safety to assess and collect costs and fees from subscribers to the system. It modifies language related to expenditures from the fund and permits expenditures from the Department of Public Safety Restricted Revolving Fund for personnel, recurring user fees, necessary hardware and accessories, of equipment, maintenance and operational expenses of the system. The bill passed 51 to 22. The amendment removes all language referring to the town of Taft.

· **SB0084** , as amended, by Sen. Micheal Bergstrom, R-Adair, and Rep. Katie Henke, R-Tulsa, adds the 2018-2019, 2019-2020, 2020-2021, 2021-2022 and 2022-2023 school years to the years that each school district is required to report the number of students who did not pass the reading sufficiency test and was promoted to a subsequent grade. The bill also modifies the requirements for the Reading Report Card. The bill and its emergency clause passed 78 to 0. The amendment adds an emergency clause.


· **SB0085** , as amended, by Sen. Jack Fry, R-Midwest City, and Rep. Dustin Roberts, R-Durant, requires municipally-owned municipalities utilities in communities of 5,000 or more population to pay the furnish the funds to pay the cost of the removing or relocating of utility facilities located in either privately owned or public rights-of-way for the construction of interstate highways. The bill updates statutory references. The bill and its emergency clause passed 77 to 0. The amendment places the word municipalities before the word utilities.


· **SB0145** , by Sen. Eddie Fields, R-Wynona, and Rep. Jon Echols, R-Oklahoma City, modifies the dates and procedures by which Presidential Electors are nominated by a political party. It requires that a recognized political certify its nominees for President of the United States and Vice President of the United States to the Secretary of the State Election no later than 75 days prior to the date of the General Election. It establishes a procedure for Presidential Electors pledged to an independent candidate for President of the United States. It repeals language related to Presidential Electors pledged to nominees for President of the United States of an unrecognized political party. The bill passed 83 to 0.


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- [SB0147](#)  , by Sen. Mike Schulz, R-Altus, and Rep. Casey Murdock, R-Felt, updates statutory references in relation to the Oklahoma Concentrated Animal Feeding Operations Act. The bill provides an exemption to the setback rule allowing for municipality's governing body with a written waiver of the setback for the particular animal feeding operation. It prohibits a change in ownership of the property on which the animal feeding operation is located from affecting the validity of the waiver. The bill passed 73 to 9.
- [SB0185](#)  , by Sen. Kay Floyd, D-Oklahoma City, and Rep. Greg Babinec, R-Cushing, creates the Parole of Aging Prisoners Act. The bill empowers the Pardon and Parole Board to parole a prisoner who is 70 years of age or older; has served, in actual custody, the shorter of 10 years of the term or terms of imprisonment, or one-third of the total term or terms of imprisonment; poses minimal public safety risks warranting continued imprisonment; is not imprisoned for a crime that requires an offender to serve at least 85 percent of the sentence; and who has not been convicted of a crime that would require the person to be subject to the registration requirements of the Sex Offenders Registration Act. The bill defines applicable terms. The bill requires the board to use an evidence-based risk assessment instrument to assess the public safety risk posed by aging prisoners upon release. It permits a qualifying prisoner who meets the requirements to request a hearing before the board and permits the board to place the prisoner on the next available docket. It permits the board to grant parole to a prisoner if it finds by a preponderance of the evidence that the prisoner, if released, can live and remain at liberty without posing a substantial risk to public safety. The bill permits the board to use a selected evidence-based risk assessment instrument. It allows the board to provide the prisoner the opportunity to speak on his or her own behalf and the option of having counsel present at the parole hearing. The bill passed 71 to 14.
- [SB0214](#)  , by Sen. A J Griffin, R-Guthrie, and Rep. John Pfeiffer, R-Mulhall, modifies definitions related to the Oklahoma Private Activity Bond Allocation Act. It requires 53 percent of the state ceiling be reserved and placed in a pool to be designated the Oklahoma Housing Finance Agency Pool. It modifies designations to the state ceiling pool designations application requirements. The bill passed 73 to 7.
- [SB0284](#)  , by Sen. Mike Schulz, R-Altus, and Rep. Charles McCall, R-Atoka, creates the Oklahoma Energy Jobs Act of 2017. It modifies certain definitions and defines new terms. It removes the limitation on the use of long lateral, also known as extended lateral, lines shale formations and permits their use in any targeted geologic formation. The bill passed 62 to 22.
- [SB0298](#)  , by Sen. Roger Thompson, R-Okemah, and Rep. Earl Sears, R-Bartlesville, repeals language related to a requirement of the Tax Commission to provide informational publications to various motor vehicle commissions. The bill passed 80 to 1.
- [SB0353](#)  , as amended, by Sen. Kimberly David, R-Porter, and Rep. Lewis Moore, R-Arcadia, exempts the National Guard Association of Oklahoma from sales tax. The bill passed 82 to 0. The amendment includes the Marine Corp League.
- [SB0467](#)  , by Sen. Dan Newberry, R-Tulsa, and Rep. Jon Echols, R-Oklahoma City, requires 90 percent of all fees and civil penalties collected by the Department of Consumer Credit to be deposited in the Consumer Credit Administrative Expenses Revolving Fund. The bill passed 79 to 0.
- [SB0478](#)  , with enacting clause restored, as amended, by Sen. Bill Brown, R-Broken Arrow, and Rep. Lewis Moore, R-Arcadia, modifies duties of the Insurance Commissioner and creates the Health Care Choice Act. It allows the Insurance Commissioner to negotiate one or more compacts with other states to allow insurers to sell specified lines of coverage in Oklahoma without being granted a certificate of authority by Oklahoma, providing appropriate protections for consumers. It establishes processes for approval and disapproval of compacts. The bill allows Oklahoma insurers to sell insurance policies comparable to out-of-state policies. The bill allows Oklahoma insurers to sell insurance policies comparable to out-of-state policies. The bill does not require an insurer domiciled in a compacting state to offer or provide Oklahoma state-mandated health benefits. It allows foreign health insurers to sell a health benefit plan in the state and establishes guidelines. The bill passed 80 to 0. The amendment all approved insurers selling across state lines will offer coverage adhering to all mandated health benefits required by Oklahoma law.
- [SB0591](#)  , by Sen. Mark Allen, R-Spiro, and Rep. Dustin Roberts, R-Durant, establishes fines for persons who operate a vehicle or a combination of vehicles which is 750 pounds or more in excess of the gross or axle weight limitations imposed by statute. The bill passed 74 to 4.
- [SB0615](#)  , as amended, by Sen. Nathan Dahm, R-Broken Arrow and Rep. Sean Roberts, R-Hominy, modifies the term resident to include the custodial parents where there is joint custody when relating to hunting and fishing licenses. The bill passed 73 to 6. The amendment removes substantive language from the measure.
- [SB0635](#)  , with title and enacting clause restored, by Sen. Josh Brecheen, R-Coalgate, and Rep. Charles McCall, R-Atoka, creates a gun hunting license for deer for youth nonresidents 17 years of age or younger that will be valid for hunting one antlerless deer allowed during the current calendar year deer gun season at a cost of \$30; an archery hunting license for deer for youth nonresidents seventeen 17 years of age or younger which shall be valid for hunting one antlerless deer and expire on January 15 of the calendar year after the year purchased or, if purchased during the deer archery season, to expire at the end of that deer archery season at a cost of \$30; and a primitive firearms hunting license for deer for youth nonresidents seventeen 17 years of age or younger which shall be valid for hunting one antlerless deer during the current calendar year deer primitive firearms season at a cost of \$30. The bill passed 75 to 6. The amendment increases the cost of an out-of-state hunting license by \$20, totaling \$299. It also increases the amount of certain youth hunting licenses to \$99.

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- **SB0643** , with title and enacting clause stricken, by Sen. Kimberly David, R-Porter, and Rep. Scott Biggs, R-Chickasha, creates the Impaired Driving Elimination Act 2 (IDEA2). It modifies requirements related the Department of Public Safety providing certain notices related to driving privileges. It requires a prosecutor to forward to the Department of Public Safety a notice of a deferred prosecution agreement whenever a person arrested for any offense for which the mandatory revocation of the driving privilege of such person by the Department of Public Safety and enters into a deferred prosecution agreement related to such offense. The bill modifies when driving privileges are required to be revoked to include when a person receives a deferred sentence, or a conviction, when such conviction has become final, or a deferred prosecution for certain offenses. It modifies license revocation processes and periods of time. It requires the Department of Public Safety to establish the Impaired Driver Accountability Program. It requires the Department to set eligibility requirements and consequences for violations. The bill passed 80 to 3.

- **SB0651** , with title and enacting clause stricken, by Sen. James Leewright, R-Bristow and Rep. John Jordan, R-Yukon, requires a plaintiff to notify the organization in writing of the plaintiff's assertion that its website does not comply with applicable law, codes and standards regulating the functionality of an organization's website to accommodate visually or hearing impaired individuals and the specific violations that the plaintiff asserts prior to filing any civil action or a petition for injunctive relief based on a claim that an organization's website does not conform with applicable law, codes and standards for websites for the visually or hearing impaired. It requires the notice be sent by certified mail with return receipt requested at least 120 days prior to the filing of a petition for injunctive relief. It establishes petition requirements. It requires the court to dismiss the action and award costs and reasonable attorney fees to the defendant if the organization corrects the alleged website defect prior to the filing of the petition but the plaintiff file the petition anyhow. It requires the court to impose sanctions for a frivolous lawsuit. It permits the court if the defendant has made a reasonable effort to correct the defect but has not completed the correction within 120 days of notification, upon application of the defendant for good cause shown, grant the defendant a reasonable extension of time, based on the nature of the work needed on the website to correct the deficiency. It requires the court to dismiss the action if the corrects are completed with that period of time. The bill passed 67 to 10.

- **SB0733** , by Sen. A J Griffin, R-Guthrie, and Rep. Leslie Osborn, R-Mustang, allows the Department of Rehabilitation Services to direct all federal and state funds appropriated for services to Older Individuals that are Blind to qualified and accredited community-based, non-profit organizations. It requires he funds to be used to administer services for older individuals with vision impairments. It allows funds to be received from the Federal Rehabilitation Services Administration. The bill and its emergency clause passed 79 to 2.

- **SB0786** , as amended, by Sen. Greg Treat, R-Oklahoma City and Rep. Ben Loring, D-Miami, provides that every person who breaks and enters on any commercial or residential property or any room, booth, tent, railroad car, automobile, truck, trailer, outbuilding or vessel of another, in which any property is kept, with intent to steal any property therein or to commit any felony, is guilty of burglary in the third degree. The bill establishes a penalty for burglary in the third degree. The bill passed 64 to 20. The amendment modifies certain definitions.

The House will reconvene Monday at 1:30 p.m.

[\[LESS\]](#)

Three executive noms advanced by Senate Energy

(eCap) The Senate Energy Committee met Thursday for the second time this week and approved three additional executive nominations.

Acting Chair Eddie Fields, R-Wynona, allowed all three nominees to speak briefly before the committee before members formally voted on their approval.

The following executive nominations were approved with little discussion and no debate:

- Dr. Gerard P. Clancy, Tulsa, to the Oklahoma Science and Technology Research and Development Board, to serve an unexpired term ending June 30, 2018, succeeding Steadman Upham.

- Dr. Kelvin K. Droegemeier, Norman, as Secretary of Science and Technology, to serve a coterminous term with the Governor, succeeding Stephen McKeever.

- Robert Lloyd Melton, Claremore, to the Oklahoma Water Resources Board, to serve a seven-year term ending May 14, 2022, succeeding Ed Fite.

The nominations now go to the Senate floor for final consideration.

[\[LESS\]](#)

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